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### **REMARKS/ARGUMENTS**

#### *Specification*

Applicants have amended paragraphs [0003] – [0007] in order to correct informalities.

#### *Election/Restrictions*

Claims 1 – 21 have been withdrawn. Claims 22 – 53 are elected.

#### *Claim Objections*

Claims 22, 30, 35, 45, and 53 are objected to because of various informalities. Applicants have amended these claims per Examiner's suggestions.

#### *Claim Rejections - 35 USC §112*

Claims 31-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 31-44 in order to better clarify the invention.

#### *Claim Rejections - 35 USC §102*

Claims 22-23, 25-29, 45-46 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,262,994 ("*Dirschedl et al.*") for various reasons. *Dirschedl* is directed toward an arrangement for the optimization of the data transmission via a bi-directional radio channel.

Applicants have canceled dependent claims 24, 42, and 47 and have added new claims 54-56. Applicants respectfully traverse the rejections by amending a portion of the remaining claims in order to clarify the invention and point out features that are not taught or suggested by the reference. Amended independent claim 22 is indicative and recites at least three elements not found in *Dirschedl*. These are:

1. encoding a transmission data stream including a data frame using a first error correction code (See Fig. 13, Paragraphs 0081-0085);
2. interleaving the transmission data stream (see Fig. 13, Paragraphs 0081-0085); and

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3. encoding the transmission data stream using a second error correction code (see Fig. 13, Paragraphs 0081-0085).

In contrast, *Dirschedl* describes only a single stage of encoding. That is, "the code rate of the FEC on the transmitter side can be selected, for example, between the most negative value of  $1/2$  in increments of  $2/3$ ,  $5/6$  up to the optimal code rate of 1." (Column 2, Lines 51-54). In addition, no mention is made of interleaving.

Consequently, since *Dirschedl* does not disclose or suggest at least three elements recited in amended independent claim 22 and/or how these elements can be combined in the manner claimed, Applicants submit that the pending claims are allowable over the cited references. Applicants therefore request that the Examiner reconsider and withdraw the §102 rejections.

No new subject matter has been added.

#### *Claim Rejections - 35 USC §103*

Claims 24 and 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dirschedl* in view of U.S. Patent No. 6,628,956 ("*Bark et al.*") for various reasons. Claims 33-36, 39-42 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dirschedl* in view of U.S. Patent No. 6,631,130 ("*Roy et al.*"), as applied to the parent claim, and further in view of U.S. Patent No. 5,867,502 ("*Chang*").

*Bark* is directed toward an adaptive power control in a radio communications systems. *Roy* is directed toward a method and apparatus for switching ATM, TDM, and packet data through a single communications switch while maintaining TDM timing. *Chang* is directed toward a method and system for interfacing an ATM switch and an optical network wherein bandwidth is maximized and non-local data streams are grouped into destination groups. However, *Bark*, *Roy*, or *Chang*, alone or in combination, do not remedy the deficiencies in *Dirschedl* as to the pending claims.

A rejection under 35 USC §103 requires that the combined references suggest the claimed combination. (MPEP 706 and 2141 et seq.). To support a rejection under §103, the references must suggest the desirability of the claimed invention. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly

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or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (MPEP 2143.01).

Applicants have canceled dependent claims 24, 42, and 47 and have added new claims 54-56. Applicants respectfully traverse the rejections by amending a portion of the remaining claims in order to clarify the invention and point out features that are not taught or suggested by the reference. Amended independent claim 22 is indicative and recites at least three elements not found in *Bark, Roy, or Chang*. These are:

1. encoding a transmission data stream including a data frame using a first error correction code (see Fig. 13, Paragraphs 0081-0085);
2. interleaving the transmission data stream (see Fig. 13, Paragraphs 0081-0085); and
3. encoding the transmission data stream using a second error correction code (see Fig. 13, Paragraphs 0081-0085).

Since *Dirschedl, Bark, Roy, and Chang* fail to describe or suggest the claimed invention, either alone or in combination, the claimed invention is not obvious to a person of ordinary skill in the art. Consequently, Applicants submit that the pending claims are allowable over the references. Applicants therefore request that the Examiner reconsider and withdraw the § 103 rejections.

No new subject matter has been added.

#### *Conclusion*

Applicants have amended the claims to further clarify features that are not described or suggested by the references. For these reasons, Applicants respectfully requests that the Examiner reconsider and withdraw the rejections of the claims.

In view of the discussion herein, Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at 408-257-5500.

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Attachments

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